

REMARKS

Applicant has reviewed the Office Action dated February 18, 2003, and the references cited therewith.

Claim 16 is amended to more clearly recite the claimed subject matter and it is believed that the amendment is supported throughout the specification, including for example, the portions at page 12, lines 20-22 and Figures 1 and 9-14. It is believed that the amendment makes express what was implicit in claim 16 as previously worded. No claims are canceled, and claims 45 and 46 are added; as a result, claims 16-46 are now pending in this application.

§112 Rejection of the Claims

In the Office Action, claims 16 – 19, 23 – 26, 43 and 44 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

Applicant has amended claim 16 and added claims 45 and 46 to more particularly point out and distinctly claim the subject matter. Furthermore, the meaning of ‘coradial’ is apparent from the specification, for example, page 12, lines 20-22 and Figures 1 and 9-14. The conductors 142, 144, 146 and 148, shown in Figure 1 and specifically in the exploded details therein, are shown circularly wound within the lead 100. The conductors 142, 144, 146 and 148 wind about a single axis and are disposed adjacent to the outer surface of the lead 100.

Reconsideration and allowance of claims 16 – 19, 23 – 26, 43 and 44 is respectfully requested.

In the Office Action, claims 16 – 19, 23 – 26, 43 and 44 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most clearly connected, to make and/or use the invention.

Applicant has amended claim 16 and added claims 45 and 46 to more particularly point out and distinctly claim the subject matter. Furthermore, the meaning of ‘coradial’ is apparent from the specification, for example, page 12, lines 20-22 and Figures 1 and 9-14. The conductors 142, 144, 146 and 148, shown in Figure 1 and specifically in the exploded details therein, are shown circularly wound within the lead 100. The conductors 142, 144, 146 and 148 wind about a single axis and are disposed adjacent to the outer surface of the lead 100.

Reconsideration and allowance of claims 16 – 19, 23 – 26, 43 and 44 is respectfully requested.

In the Office Action, claims 16 – 26 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claim 16 and added claims 45 and 46 to more particularly point out and distinctly claim the subject matter. Additionally, pursuant to M.P.E.P. § 2173.05(e), failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite.” Applicant respectfully submits the term ‘coradial’ is reasonably ascertainable from the specification as discussed above, for example, page 12, lines 20-22 and Figures 1 and 9-14. The conductors 142, 144, 146 and 148, shown in Figure 1 and specifically in the exploded details therein, are shown circularly wound within the lead 100. The conductors 142, 144, 146 and 148 wind about a single axis and are disposed adjacent to the outer surface of the lead 100.

Furthermore, Applicant respectfully submits, that the term ‘coradial’ is not vague or indefinite, pursuant to the discussion above.

Reconsideration and allowance of claims 16 – 26 is respectfully requested.

§102 Rejection of the Claims

In the Office Action, claims 16 – 20 and 23 – 26 were rejected under 35 USC § 102(b) as being anticipated by Van Venrooij (U.S. Patent No. 5,849,032), hereinafter Van Venrooij.

Notwithstanding the amendment to claim 16, Applicant respectfully submits that all of the elements of the claims cannot be found in the cited reference. For example, Applicant is unable to find, the lead body including two or more coradial individually insulated conductors disposed therein, wherein the coradial conductors are wound about a single axis, as recited in claim 16, from which claims 17 - 20 and claims 23 - 26 depend. In contrast, Applicant submits that the lead 5 of Van Venrooij possesses a sheath 19 having four lumens, and within each lumen is one of four coiled conductors 20 – 23. Column 4, lines 52 – 58, and Figure 2A.

Reconsideration and allowance of claims 16 – 20 and 23 – 26 is respectfully requested.

§103 Rejection of the Claims

In the Office Action, claims 21 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Van Venrooij (U.S. Patent No. 5,849,032).

Applicant respectfully traverses the rejection of claims 21 and 22 on several grounds. Applicant respectfully submits that all of the elements of the claims cannot be found in the cited reference. For example, Applicant is unable to find in the cited reference, the lead body including two or more coradial individually insulated conductors disposed therein, wherein the coradial conductors are wound about a single axis, as recited in claim 16, from which claims 21 and 22 depend. Further, Applicant is unable to find in Van Venrooij, a second conductor comprised of Pt/Ta as recited in claim 22.

Additionally, Applicant traverses the rejection because the motivation to modify Van Venrooij has not been established. Pursuant to M.P.E.P. § 2143.01, stating the claimed invention would have been well known in the art because the reference relied upon teaches that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to modify the reference. Applicant submits that the evidence of record does not appear to identify an objective source for the motivation to modify Van Venrooij in the manner proposed. Thus, it appears, the requisite motivation for modifying Van Venrooij with the knowledge of one of skill in the art is lacking, and therefore, proper *prima facie* obviousness has not been established.

Furthermore, the Examiner appears to be taking Official Notice of facts not specifically supported by the reference and apparently considers such as “well known” or common within the art. For example, Applicant submits that the Examiner appears to have taken Official Notice regarding the use of Pt/Ta as the second material. Pursuant to MPEP § 2144.03, Applicant traverses the Official Notice and respectfully requests a patent to support the assertion, or in the alternative, withdrawal of this assertion from the rejection.

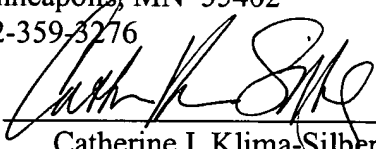
Alternatively, the assertions are unsupported by the references and therefore are within the personal knowledge of the Examiner. Applicant respectfully requests an affidavit supporting the assertions as required by 37 CFR 1.104(d)(2).

Reconsideration and allowance of claims 21 and 22 is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s attorney 612-359-3276 to facilitate prosecution of this application.

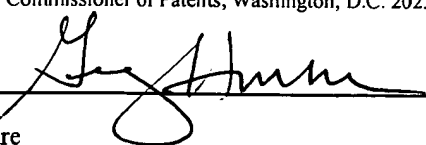
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
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Date Apr 17, 2003

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 17 day of April, 2003

GREG HANSON
Name


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